

\*E-Filed 7/11/11\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ELAN MICROELECTRONICS  
CORPORATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

No. C 09-01531 RS

**ORDER PERMITTING ADDITIONAL  
BRIEFING AND CONTINUING  
HEARING**

Apple seeks leave to file an 11 page surreply in opposition to Elan's motion for partial summary judgment. Elan objects that the request is untimely, unwarranted, and excessive. In the alternative, Elan requests permission to respond to the surreply. The parties are reminded that effective advocacy often lies in distinguishing between that which is critical or important, and that which is less so. Not every point perceived to be incorrect or irrelevant warrants a response. Admittedly, however, it can be challenging for a party to anticipate with confidence what issues may be of most concern to the court. Accordingly, despite significant skepticism that further briefing will be of material assistance, Apple's request is granted. Elan may file a response, not to exceed 5 pages, no later than July 21, 2011. The hearing is continued to August 4, 2011 at 1:30 p.m.

IT IS SO ORDERED.

Dated: 7/11/11



RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE